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January 12, 2022

BY ECF

Honorable J. Paul Oetken
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Al Sadeq v. Dechert LLP, 1:20-MC-275 (JPO): Joint Status Report on English Litigation

Dear Judge Oetken:

This Court's December 7, 2021 Order (ECF 25) directed the parties to file a joint status report "on or before January 12, 2022" to apprise the Court of pertinent developments and rulings from the privilege hearing (the "Privilege Hearing") that occurred on December 20 and 21 in Applicant Mr. Al Sadeq's case in England, United Kingdom ("the English Litigation") against Respondent Dechert, LLP ("Dechert"), Mr. Neil Gerrard, Mr. David Hughes and Ms. Caroline Black ("the Defendants"). This is the parties' joint status report.

The Privilege Hearing covered a number of issues. The Court has reserved judgment, but is expected to provide a ruling soon. Dechert believes that two points about the Privilege Hearing are of relevance to the matter before this Court.

First, in a declaration submitted in the English Litigation on October 8, 2021, Al Sadeq's counsel stated that the purpose of filing this Section 1782 Application was "to ensure that no technical point would be taken by the Defendants about the jurisdiction of this Court over custodians located in Dechert's U.S. Office." (October 8, 2021 Fifth Witness Statement of Haralambos Tsiattalou) Dechert's UK counsel responded in a declaration on October 29, 2021, stating that "no 'technical point' is being or has ever been taken," (October 29, 2021 Sixth Witness Statement of Edward Allen) and that

Dechert operates as a global law firm, and gives disclosure as such as a matter of policy. Had Mr. Al Sadeq raised this issue with Dechert prior to issuing the 1782 application, which he did not, he would have been given this answer and it would have been plain to him that the Section 1782 application was entirely unnecessary. *Id.*



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Second, as established by witness statements in the English Litigation provided by both sides, Mr. Al Sadeq is seeking many of the same categories of discovery in the English Litigation that he is seeking in these proceedings, and the English Court is considering whether and how the English litigation privilege and legal advice privileges apply to those materials.

In short, some of the categories of documents sought by the 1782 Application have been the subject of litigation before the English Court, and although Dechert has asserted objections under English law, Dechert has disavowed that it might stand on any formal separation between its U.S. and U.K. offices.

It is Al Sadeq's position that the above statements were made by the parties' counsel in the English Litigation before the Privilege Hearing and do not resolve the parties' disagreement as to whether documents, testimony and other material sought in connection with the 1782 Application will be resolved in the context of the English proceeding. Al Sadeq's position remains that discovery sought pursuant to the 1782 Application including deposition testimony that may be required from the Dechert's witnesses in the United States remains an open issue pending the outcome of the Privilege Hearing.

The parties agree that it would be premature to decide the 1782 Application at this time.

Respectfully,

/s/ Tab Keith Rosenfeld

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